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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/325,893	06/04/1999	MICHAEL I. NEIDICH	ZRAN.014US0	3423

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EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2644

10

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/325,893

Applicant(s)

NEIDICH ET AL.

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 4-10, 12-44 and 46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group III in Paper No. 9 is acknowledged. The traversal is on the ground(s) that groups III and IV should be combined because two or more speakers, cited in group III covers four speaker assemblies, which is cited in group IV. This is not found persuasive because group IV has speaker assemblies positioned around a listener wherein the assemblies have two or more transducers, as opposed to group III which has two speakers in one enclosure (claim 3). With respect to groups VI and VII it is clear that the input parameter of speaker compliance is found in group VI, namely claim 21 but not in group VII, therefore the search for group VI is not the same as that for group VII. Regarding groups I and II, claim 10 of group II does not cite a measuring device for determining one or more physical relational characteristic of speakers, therefore it should not be included in group I which has such feature.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Jot et al. Jot et al disclose a method of simulating the acoustical quality of a room comprising inputting source signals E into module 10, processing the signals through modules 11-14, and outputting the signals through a plurality of speakers. The interfaces 30 and 40 allow for the setting of parameters which modify the input audio signals. Specifically, configuration box 41 describes the positions of the loudspeakers in a multichannel reproduction setting. See column 7 lines 30-46. The loudspeaker positions modify the pan module which modify the audio input signals.

Claims 1, 3, 11 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Knibbeler. Knibbeler discloses a speaker system having speaker assemblies 8 and 9, each having left and right transducers, and signal processors 3 and 4, meeting claim 45. Per claim 11, the fixed input parameters are the locations of the first and second listening positions, which are a function of the predetermined position of the speaker assemblies. Based on the listening positions, the filters 3 and 4 are adjusted to derive audio input signals. As to claim 1, the audio input signals are modified according to the physical relationship of the speakers.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz. Schwartz discloses a sound reproduction system comprising speaker assemblies 2 and 3 each having multiple transducers 5. Microprocessor 16 processes information about the physical environment of the speakers (including their relationship to each other) and sends it to pre-amplifier 20 which modifies the input audio signals.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kitamura, US Patent 6,195,435; Kimura et al, US Patent 6,169,806; Philp et al, US Patent 5,751,815;


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Brian Tyrone Pendleton
April 1, 2003



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600